IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4399 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.4065/2007 Dated 05/07/2007
CRMP.3085/2007 of J.M.F.C.-II,PATHANAMTHITTA

.....

(EXCISE O.R.NO.15/07 OF KONNI RANGE)

PETITIONER : 2ND ACCUSED:

VIJAYAN, PALACHUVATTIL HOUSE,
ANGADICAL VADAKKU, KODUMON, PATHANAMTHITTA.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

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1. THE EXCISE INSPECTOR, KONNI EXCISE
RANGE.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ALONG WITH B.ANOS. 4401/07 & 4404/07 ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.NoS.4399, 4401
& 4404 of 2007

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Dated this the 20th day of July, 2007

ORDER

The second application for regular bail. The petitioner faces allegations under the provisions of the Kerala Abkari Act in three crimes. He was allegedly found to be in possession of 10 litres of spirit, 5 litres of spirit and 5 litres of arrack in these three cases. The petitioner was arrested on 24.5.07 and he continues in custody from that date. Investigation is complete in some crimes then, but not in all.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer on condition that the Investigating Officer is given 60 days time from the date of arrest to complete the investigation and I am satisfied that the petitioner, who continues in custody from 24.5.2007, can now be enlarged on regular bail subject to appropriate conditions.

3. The learned Public Prosecutor points out that the petitioner is involved in seven abkari cases and two other criminal cases, including one crime under Sec.394 IPC. Appropriate and strict conditions can of course be imposed in the light of that statement.

4. In the result, these applications are allowed. The petitioner shall be released on bail in these three crimes on the following terms and conditions.

i) The petitioner shall not be released from custody on the strength of this order prior to 24.07.2007.

ii) The petitioner shall execute in each case bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall appear before the Investigating Officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months from the date of his release from custody.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE